



City of Hampton, Virginia Resolution

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 09-0158

Enactment Number: -

Resolution Approving the City of Hampton Minority and Women-Owned Business Program Plan

WHEREAS, Hampton City Code §2-326 defines a "minority firm" as "a firm that is fifty-one (51) percent owned by any of the following persons: Blacks, Hispanic Americans, Asian Americans, American Indians, Eskimos, Aleuts or females" which are also known as "minority and women-owned business enterprises" or "M/WBE's";

WHEREAS, the Hampton City Council is committed to the City's established policy of equal opportunity and nondiscrimination in procurement, and supports economic advancement for all of its citizens;

WHEREAS, City Council reaffirms the City's policy of encouraging the participation of M/WBE's in City procurement activities;

WHEREAS, City Council also supports the City's efforts to continue to ensure that procurement opportunities are available to all persons regardless of race, religion, color, sex, national origin or handicap; and

WHEREAS, the establishment of goals for M/WBE participation in City contracts will convey the importance that City Council places on ensuring equal opportunities in City expenditures and procurement activities;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:

1. That City Council desires to increase M/WBE participation in City contracts and therefore resolves that the City shall aim for the goals set forth in the "City of Hampton Minority and Woman-Owned Business Program Plan" ("the Plan") attached as an exhibit to this Resolution and which are proposed to be achieved pursuant to the procedures and policies also set forth in the Plan.

2. That in attempting to meet these goals, the City shall fully comply with state and federal law, including both the equal protection component of the due process clause of the Fifth Amendment to the United States Constitution and the provisions of the Virginia Public Procurement Act ("VPPA"), which means that although the City may and should take all steps necessary to facilitate and help ensure the participation of M/WBE's in the City's procurement processes, no preference or set-aside is intended by this action to be given to a M/WBE when determining which bidder or potential contractor shall receive a City contract.

3. That the goals set forth in the Plan shall apply to all expenditures of City funds for which there is competition by businesses, but shall not be required for expenditures for (1) debt services; (2) utilities or other goods or services for which a single business or corporation has a legal monopoly; (3) salaries and fringe benefits; (4) documented sole-source procurements; and (5) real estate purchases, leases, or rentals.

4. That special emphasis shall be placed on increasing minority-owned business expenditures in the areas of construction and architectural and engineering services, as defined by the VPPA, which are two areas in which City expenditures to M/WBE's have been especially low, as demonstrated by the disparity study commissioned by the City and concluded in 2005.

5. That any business that has been certified by the Virginia Department of Minority Business Enterprise as a minority-owned business pursuant to the Commonwealth of Virginia's Small, Women and Minority Owned Business ("SWaM") Procurement Initiative is a "minority-owned business" for purposes of this resolution.

6. That the City Manager or designee shall report the City's progress with respect to this goal to the Purchasing and Procurement Oversight Committee on at least a quarterly basis, and that the City Manager or designee shall make progress reports to City Council on at least a semiannual basis. Such reports shall include a break-down of awards and expenditures for both Capital Improvement Programs and non-capital expenditures. These reports shall form the basis for an annual evaluation, to be presented to City Council, of the City's progress toward meeting the goal.

7. That the City Manager shall ensure that all department directors and all other officers and employees with delegated procurement authority are made aware of this resolution and the expectations and requirements of City Council that are expressed herein and in the attached Plan.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on April 29, 2009.


Signed by


Molly Joseph Ward, Mayor

Date

APR 30 2009

Attested by


Katherine K. Glass
Clerk of the Council

Date

APR 30 2009